IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

Con.Case(C).No. 749 of 2007(S)

NON-COMPLIANCE OF THE INTERIM ORDER IN WA.NO.908/2007 DATED 10/04/2007

PETITIONERS/APPELLANTS
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1. P.P.ROCKY,
   S/O.POULOSE, AGED 48 YEARS,
   PAYYAPPILLY HOUSE,
   MURINGOOR, CHALAKUDY.

2. T.G.SAJEEVAN,
   S/O.GOPALAN, AGED 45 YEARS
   THAYYIL HOUSE, P.O.PUTHENCHIRA.

   BY ADV. SRI.P.RAVINDRAN

RESPONDENTS: RESPONDENTS
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1. M.A.ROSAMMA,
   AGE 50 YEARS, DY.TRANSPORT COMMISSIONER,
   CZ-I, IN CHARGE OF SECRETARY RTA,
   THRISSUR, RTO'S OFFICE, THRISSUR.

2. V.L.JOSE,
   VAZHAPPILLY HOUSE,
   SOUTH KORATTY, THRISSUR.

BY SENIOR GOVERNMENT PLEADER SMT.K.MEERA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

Cont. Case (C) NO. 749 OF 2007

Dated this the 18th October, 2007

JUDGMENT

H.L.DATTU, C.J.

Pursuant to the direction issued by this Court, the first respondent/ contemnor is present.

2. The complainants allege that the first respondent has disobeyed the interim orders passed by this Court in W.A.No.908 of 2007, dated 10th April, 2007. Therefore, a request is made to initiate appropriate contempt proceedings against the first respondent and punish her for the so called deliberate disobedience of the orders and directions issued by this Court.

3. After hearing the learned counsel, Sri.P.Ravindran, appearing for the complainants and Smt.K.Meera, learned counsel appearing for the first respondent/contemnor, we are of the opinion that there is no wilful disobedience of the interim directions issued by this Court. In order to maintain a contempt petition under Sections 11 and 14 of the Contempt of Courts Act, there must be a deliberate and wilful disobedience as defined under Section 2(b) of the Contempt of Courts Act. Since we have come to the conclusion that the first respondent had not deliberately and wilfully disobeyed the orders and directions issued by this Court, we need not have to proceed further in this contempt proceedings. Accordingly, the contempt proceedings are dropped.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/